

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 BOBBY JOE FLOYD,

No. 2:03-cv-00015-MCE-KJM P

12 Petitioner,

13 vs.

ORDER

14 STATE OF CALIFORNIA, et al.,

15 Respondents.
16 _____/

17 Petitioner, a state prisoner, has timely filed a notice of appeal of this court's March 30,
18 2009 denial of his application for a writ of habeas corpus. Before petitioner can appeal this
19 decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

20 A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the applicant has
21 made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The
22 court must either issue a certificate of appealability indicating which issues satisfy the required
23 showing or must state the reasons why such a certificate should not issue. Fed. R. App. P. 22(b).

24 ////


25 ////

26 ////

1 For the reasons set forth in the magistrate judge's January 26, 2009 findings and
2 recommendations, petitioner has not made a substantial showing of the denial of a constitutional
3 right. Accordingly, a certificate of appealability should not issue in this action.

4 IT IS SO ORDERED.

5 Dated: June 22, 2009

6 
7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26